

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HALO CREATIVE & DESIGN, LIMITED,)
et al.,)
Plaintiffs,)
v.) No. 14 CV 08196
COMPTOIR DES INDES, INC.,)
et al.,) Chicago, Illinois
Defendants.) July 26, 2017
9:06 a.m.

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE HARRY D. LEINENWEBER

APPEARANCES:

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1 (Proceedings heard in open court:)

2 THE CLERK: 14 C 8196, Halo Creative versus Comptoir.

3 THE COURT: Good morning.

4 MR. HARRIS: Good morning, your Honor. Richard
5 Harris and Barry Horwitz on behalf of the plaintiff, Halo
6 Group.

7 MR. NELSON: Good morning, your Honor. Brad Nelson
8 for the defendant, CDI.

9 THE COURT: Status?

10 MR. HARRIS: Yes, your Honor. On July 31st, fact
11 discovery ends. We're waiting for some materials to come back
12 in the way of documents and interrogatory answers from
13 defendants. We have dates for completing expert discovery in
14 this case, but we don't -- while we've got a first date for
15 filing dispositive motions, we still need response and reply
16 dates for the dispositive motions as well as pretrial and --
17 pretrial hearing and trial dates. Those, we don't have.

18 This case is going on three-plus years. We're hoping
19 to take a look at some dates for trial with the Court's
20 permission.

21 THE COURT: I'm trying to -- there was a lot of
22 motion practice in this case, wasn't there?

23 MR. HARRIS: There's an appeal up to the court of
24 appeals for the Federal Circuit.

25 MR. NELSON: It was up on appeal.

1 THE COURT: I'm not responsible for the three-year
2 delay.

3 MR. HARRIS: No, no.

4 MR. NELSON: No. There was an appeal there, Judge.

5 MR. HARRIS: We can look to defendants for that, your
6 Honor.

7 MR. NELSON: It's moved pretty quickly considering
8 we've been up to the Seventh Circuit already -- I mean, the
9 Federal Circuit already.

10 THE COURT: So when is the date for dispositive
11 motions?

12 MR. HARRIS: Dispositive motions is dated for
13 December 15th.

14 THE COURT: September?

15 MR. HARRIS: December.

16 THE COURT: December. I was reading off my --

17 MR. NELSON: Your Honor, I'm standing in for my
18 partner, Ali Warr, who is principally handling this case and
19 who would be the person to try the case, so I hesitate to
20 agree to trial dates at this time without his calendar in
21 front of us.

22 THE COURT: Well, are you going to file -- is there
23 going to be dispositive motions?

24 MR. HARRIS: There will, your Honor. They're not --

25 THE COURT: Cross?

1 MR. HARRIS: They're not going to be completely
2 dispositive from plaintiff's perspective, but there will be
3 some motions that streamline the case.

4 THE COURT: Why don't you skip the dispositive
5 motions and go right to trial?

6 MR. HARRIS: Well, there's -- frankly, your Honor,
7 there's some things that can probably streamline the case,
8 that could be cleared up during the jury instruction session
9 without a dispositive motion. We're ready to do that.

10 THE COURT: It always takes more time to do
11 dispositive motions than it does to make a motion for a
12 directed verdict or whatever.

13 MR. HARRIS: I agree. And we're willing to do that.
14 We would love to have an early trial date in this case.

15 THE COURT: Well, you're going to do expert discovery
16 now, is that --

17 MR. HARRIS: That's correct, your Honor. That's to
18 be completed on November 3rd.

19 THE COURT: So why don't we do this. Why don't I
20 just set a status for November 3rd.

21 MR. HARRIS: Your Honor, with that being four months
22 off, would that affect our ability to get a trial date in --

23 THE COURT: Well, if you're going to have -- you
24 know, I'm thinking, if you want to file dispositive motions,
25 you know, usually it's 28 days and seven or 14, whatever

1 people can wheedle out of me, and it takes us at least, you
2 know, probably 28 days to get the job done. Now, if you skip
3 that, we can give you a trial date probably after the first of
4 the year, maybe in February. We wouldn't have time for
5 summary judgment if, you know, we have the trial date that
6 early.

7 MR. NELSON: Judge, I'd suggest that we come back on
8 November 3rd, and at that time, we'll be able to say
9 definitively whether we're going to file dispositive motions
10 or not and then set the trial date accordingly then.

11 MR. HARRIS: Your Honor, why don't we move up things
12 and expedite. If defendants are going to have, truly going to
13 have a dispositive motion, why don't we move up the completion
14 of expert discovery. There's only going to be one expert, we
15 think, in this case.

16 THE COURT: There's only going to be -- you don't
17 need -- I was wondering what -- apparently, I agreed to this
18 drawn-out process where you wouldn't file dispositive motions
19 until December. If you're finished with fact discovery,
20 you're only going to have, what, one expert a side. I mean,
21 you ought -- have you got your experts already?

22 MR. HARRIS: We do, your Honor. It's a damages
23 expert.

24 THE COURT: I was going to say, you ought to be able
25 to wrap that up before November. You ought to be able to do

1 it, you know --

2 MR. HARRIS: We'll do that. We'd be able to file our
3 motions probably in September or October instead of waiting
4 until December.

5 THE COURT: All right.

6 MR. HARRIS: That will push things ahead.

7 THE COURT: That's fine with me.

8 MR. NELSON: Your Honor, we negotiated and agreed to
9 this schedule earlier. I hate to -- again, my partner,
10 Mr. Warr, is handling the case.

11 THE COURT: What we could do is you could come back
12 next week and have your partner here and hash it all out. You
13 guys get together and hash out how you want to do it. And I'm
14 willing to move things up if that be the case, if that's what
15 you want to do --

16 MR. HARRIS: That would be terrific, your Honor.

17 THE COURT: -- if there is an agreement.

18 I mean, it's -- I suppose they're entitled to insist
19 on the length of time, but if there's only one expert, I don't
20 think you need five months to depose an expert.

21 MR. HARRIS: Your Honor, I should mention --

22 THE COURT: This is for furniture evaluation, is that
23 it? It's furniture copyright-type stuff, isn't it?

24 MR. NELSON: And lighting.

25 MR. HARRIS: It's patents, trademark, and 23

1 copyrights.

2 I should mention to the Court also that the schedule
3 that we did agree to said -- initially said December 15th as
4 the final date for filing a dispositive motion, not the
5 earlier date.

6 THE COURT: If you guys want to get together and move
7 up your schedule, see if you can agree on a schedule and come
8 back next week or in a couple of weeks and let me know what
9 you want to do. But, you know, if you want to get a trial
10 date, you know, I need to know fairly soon --

11 MR. HARRIS: Okay.

12 THE COURT: -- while I still have some openings.

13 MR. HARRIS: If we could set a date, your Honor, for
14 10 to 12 days from now --

15 THE COURT: Fine.

16 MR. HARRIS: -- where we can appear before the Court.

17 THE COURT: All right. We'll have a status.

18 THE CLERK: August 9th at 9:00.

19 THE COURT: Re. new schedule.

20 MR. HARRIS: Thank you, your Honor.

21 MR. NELSON: All right. Thank you, your Honor.

22 MR. HARRIS: I appreciate it.

23 (Proceedings adjourned at 9:13 a.m.)
24
25

C E R T I F I C A T E

I, Judith A. Walsh, do hereby certify that the foregoing is a complete, true, and accurate transcript of the proceedings had in the above-entitled case before the Honorable HARRY D. LEINENWEBER, one of the judges of said Court, at Chicago, Illinois, on July 26, 2017.

/s/ Judith A. Walsh, CSR, RDR, F/CRR August 1, 2017

Official Court Reporter

United States District Court

Northern District of Illinois

Eastern Division